

Message Text

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SUBJECT: AUSTRIAN CUSTOMS AUTHORITIES AUTHORIZED TO
CONTROL LABELLINGS

1. SUMMARY: BEGINNING JULY 1, 1978, CUSTOMS OFFICIALS AT THE AUSTRIAN BORDER WILL BE AUTHORIZED TO ENFORCE LABELLING REGULATIONS PERTAINING TO IMPORTED TEXTILES, SHOES, DETERGENTS AND PACKAGED CHEMICAL CONSUMER GOODS. U.S. EXPORTEES SHIPPING THESE GOODS TO AUSTRIA WILL HAVE TO ENSURE THAT THEY ARE PROPERLY LABELLED BEFORE THEY REACH THE AUSTRIAN BORDER. END SUMMARY.

2. EFFECTIVE JULY 1, 1978, AUSTRIA WILL IMPLEMENT MORE EFFECTIVE CONTROLS OF LABELLING REQUIREMENTS FOR IMPORTS OF: PACKAGED CHEMICAL CONSUMER GOODS (E.G. PAINTS, INKS, TOOTHPASTES, COSMETICS, ADHESIVES), SHOES (NOTE: FOR SHOES, THE NEW CONTROL WILL BECOME EFFECTIVE ONLY ON NOVEMBER 1, 1978), DETERGENTS AND TEXTILES.

3. A NEW ORDINANCE TO THE EXISTING LAW GOVERNING UNFAIR COMPETITION AUTHORIZES CUSTOMS OFFICERS TO INSPECT IMPORTED GOODS FOR CORRECT LABELLING AT THE TIME THAT THE GOODS ARE PRESENTED FOR CLEARANCE AND DISTRIBUTION THROUGHOUT AUSTRIA. THIS PROCEDURE WILL ALSO AFFECT
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IMPORTS HELD IN BOND OR FOR STORAGE IN AN OPEN WAREHOUSE ON BONDED ACCOUNT. FOR TEXTILES, THE CUSTOMS AUTHORITIES WILL ALSO INSPECT THE LABELLED INSTRUCTIONS FOR CARE AND MAINTENANCE IN ADDITION TO MERCHANDISE LABELS. CUSTOMS OFFICERS ARE AUTHORIZED TO DETAIN ALL GOODS WHICH LACK LABELS OR WHICH ARE INAPPROPRIATELY LABELLED.

4. THE REASON GIVEN FOR THIS NEW RULE IS THAT SUBSTANTIAL AMOUNTS OF THE ABOVE ITEMS ENTER AUSTRIA WHICH ARE NOT LABELLED ACCORDING TO REQUIREMENTS. THE AUSTRIAN MINISTRY OF TRADE, IN CORRECTING THIS SITUATION, HOPES TO SECURE
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EQUAL TREATMENT ON THE LOCAL MARKET FOR IMPORTED AND LOCALLY PRODUCED GOODS.

5. IF A CUSTOMS OFFICER DETECTS A LACK OF LABELLING OR OTHER SHORTCOMINGS IN LABELLING REQUIREMENTS, A 3 WEEK PERIOD IS GIVEN THE OWNER, WHETHER IMPORTER OR EXPORTER, TO EITHER CONFORM TO REGULATION OR TO APPLY FOR A CUSTOMS CLEARANCE PROCEDURE NOT REQUIRING COMPLIANCE WITH THE LABELLING REQUIREMENTS, E.G. FOR RE-EXPORT OR STORAGE IN A BONDED WAREHOUSE WHERE THEY MAY BE PROPERLY LABELLED. IF NO ACTION IS TAKEN WITHIN THE 3-WEEK PERIOD, CUSTOMS OFFICIALS MUST NOTIFY THE APPROPRIATE DISTRICT AUTHORITY OF THE DETENTION. THE DISTRICT AUTHORITY MUST THEN INSTITUTE ADMINISTRATIVE PENALTY PROCEEDINGS AND, IF NECESSARY, ORDER THE CONFISCATION OF THE GOODS. IF THE OWNER IS FOUND GUILTY OF AN INFRACTION OF THE LAW, HE IS SUBJECT TO A FINE OF AS 15,000 (ABOUT US \$ 1,000 AT THE CURRENT RATE OF EXCHANGE) AND/OR 3 MONTHS OF IMPRISONMENT. IN ADDITION, APPROPRIATE LABELLING WILL BE REQUIRED, BUT, IF THIS IS NOT POSSIBLE, THE
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GOODS WILL BE CONFISCATED.

6. U.S. EXPORTERS SHOULD BE MADE AWARE OF THIS NEW REGULATION TO PRECLUDE WHAT COULD BE A CONSIDERABLE LOSS AND/OR DELAY TO THEMSELVES AND THEIR AUSTRIAN CUSTOMERS. WOLF

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